

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES G. BROWN,	§
	§
Petitioner Below-	§ No. 483, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. 10M-07-008
Respondent Below-	§ Cr. ID 9705011656
Appellee.	§

Submitted: November 9, 2010
Decided: November 29, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 29th day of November 2010, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, James Brown, filed this appeal from the Superior Court's order denying his petition for a writ of habeas corpus. The State has moved to affirm the judgment below on the ground that it is manifest on the face of Brown's opening brief that the appeal is without merit. We agree and affirm.

(2) Brown was convicted in 1998 of first degree assault (as a lesser included offense of attempted murder), trafficking cocaine and multiple, additional

criminal offenses. The Superior Court sentenced him to nineteen and a half years in prison. This Court affirmed on appeal. Since that time, Brown has filed multiple unsuccessful petitions for postconviction relief.

(3) In his latest appeal, Brown argues that the Superior Court erred in denying his petition for habeas corpus because: (i) the State violated its obligations under *Brady v. Maryland*;¹ (ii) the court should have held a hearing on his petition for habeas corpus; (iii) his right to a fair trial was violated because the jury saw him in shackles; (iv) the Superior Court erred at his trial by failing to instruct the jury on the law of accident; and (v) his confrontation clause rights were violated when the State failed to call the arresting officer to testify at trial.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.² Pursuant to section 6902 of title 10 of the Delaware Code, habeas corpus relief is not available to a petitioner who is “committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment.”³ Brown was convicted and sentenced in 1998. His commitment is valid on its face, and he continues to be held pursuant to that valid commitment.

¹ *Brady v. Maryland*, 373 U.S. 83 (1963).

² *Hall v. Carr*, 692 A.2d 88, 891 (Del. 1997).

³ Del. Code. Ann. tit. 10, § 6902 (1999).

Brown's allegations of trial errors cannot be reviewed on a writ of habeas corpus.⁴ Accordingly, we find no error in the Superior Court's denial of Brown's writ without holding a hearing.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

⁴*Curran v. Wooley*, 104 A.2d 771, 773-74 (Del. 1954).